

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LETHERENE SMITH,

Plaintiff,
v.

Case No. 08-CV-750

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

On September 3, 2008, plaintiff Letherene Smith filed a complaint pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3) seeking review of the denial by the Commissioner of Social Security (“Commissioner”) of her claim for supplemental security income and disability insurance benefits. Plaintiff has moved for leave to proceed *in forma pauperis*.

The *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure that indigent litigants have meaningful access to federal courts. See *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). The court may not authorize a litigant to proceed *in forma pauperis* until it determines that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). If the court concludes that the litigant is unable to pay the costs of commencing the action, the court must then determine the action is neither frivolous nor malicious, does not fail to state a claim upon which relief may be granted, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2).

After reviewing plaintiff's affidavit, the court concludes that plaintiff is unable to pay the costs of commencing this action. Plaintiff has stated that her monthly income is \$225.00, and that she has no savings. She has also stated that she owns no real estate or other valuable property except household furnishings and clothing.

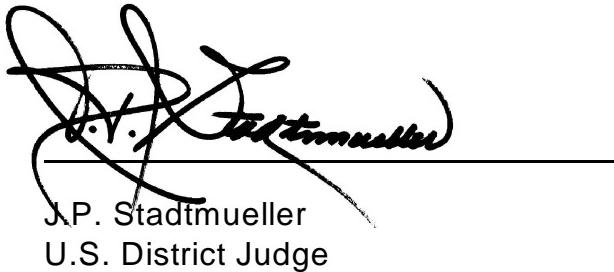
The court also finds that plaintiff's claim is neither frivolous nor malicious, and that she has stated a claim upon which relief may be granted. Plaintiff's complaint alleges that the Commissioner's findings were not supported by substantial evidence and that new evidence should have been considered. Finally, plaintiff is not seeking money damages against a defendant immune from such relief.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 25th day of September, 2008.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge